

03-14-07

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Express Mail Label No. EV 326 973 109 US

Attorney Docket No. 38797-8007.US00

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Harley *et al.*

SERIAL No.: 10/562,410

I.A. FILING DATE: 06/24/2004

FOR: **COMPOSITIONS AND METHOD FOR SKIN
CONDITIONING**

CONFIRMATION No.: 6086

Renewed Petition under 37 C.F.R. §1.47(a) and Request for Reconsideration

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Applicants hereby request reconsideration of the DECISION ON PETITION mailed November 22, 2006 and submit this renewed Petition under 37 C.F.R. §1.47(a), to make the present application on behalf of the omitted inventor, David Miller-Martini, who has refused to join in the application. A Petition for Two-month Time Extension accompanies this request with the time extension fee due of \$450.00.

2. A grantable Petition under 37 C.F.R. §1.47 must be accompanied by (1) the fee as specified in 37 C.F.R. §1.17(h); (2) a statement of the last known address of the non-signing inventor(s); (3) an oath or Declaration executed by the other inventor(s) on behalf of themselves and the non-signing inventor, and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

3. On September 7, 2006, Applicants mailed a Petition under 37 C.F.R. §1.47(a) including the fee under 37 CFR § 1.17(h); and the last known address of the omitted inventor(s). This satisfies Items 1 and 2.

4. To satisfy the requirements stated in the Decision on Petition, Applicants additionally submit herewith (1) a petition including factual proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort, and (2) four individually signed Declarations executed by each of the cooperating inventors which includes an unsigned signature block for the non-signing inventor.

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01-18-1252

Statement of Facts

I, the undersigned, am the attorney of record in the above-referenced application. The following describes, to the best of my knowledge, the facts relied on to establish that Dr. David M. Miller-Martini has refused to sign the application papers (Declaration of Inventorship) in this application.

Dr. Miller-Martini is one of six co-inventors of the subject application.

Dr. Miller-Martini was an employee of Hong Kong University of Science and Technology (HKUST) when he worked on the subject invention, and in accordance with the requirements of his conditions of employment, and Hong Kong law, assigned to HKUST the entire right, title and interest in the inventions set forth in provisional application USSN 60/480,988, to which the above-referenced application claims priority, and any patents "granted thereon and therefor". The assignment, attached hereto as Exhibit A, was executed by Dr. Miller-Martini on October 9, 2003.

Dr. Miller-Martini subsequently left his employment at HKUST. His most recent known address is 409 Pine St., Ridgway PA 15853.

The Notice to File Missing Parts in the above-referenced application was received in the offices of Perkins Coie, LLP on May 15, 2006. Documents to be signed by each inventor, including the Declaration of Inventorship, were prepared at Perkins Coie and sent to Geron Corporation, assignee of the application, on June 9, 2006. A copy of Perkins Coie's cover letter is enclosed as Exhibit B.

The documents were then forwarded by Geron to Mr. Tony Eastham, President and CEO of HKUST, for presenting to the inventors. A copy of Geron's cover letter is enclosed as Exhibit C. Note that the letter emphasizes that the inventor is to sign the Declaration only after having read a copy of the subject application.

On July 11, 2006, our offices received an email (Exhibit D) from a Ms. Kathleen Geubelle, also copied to Dr. Miller-Martini. The email stated that Dr. Miller-Martini had "several concerns" regarding the applications (the above-referenced application and two copending applications) and more specifically stated that "his three concerns pertain to an incorrect reference to his citizenship, current address, and order of inventors listed in the applications". We were asked to contact Dr. Miller-Martini's legal counsel, Mr. David Pontzer, regarding these matters.

(This email refers to the applications that Dr. Miller-Martini "received from HKUST", further establishing that the inventor was presented with a copy of the subject application.)

Our offices subsequently left a message with Mr. Pontzer as instructed, but we did not receive a reply. On August 14, 2006, we sent a reply email (Exhibit E) to Ms. Geubelle, copying Dr. Miller-Martini and Dr. David Earp, chief patent counsel at Geron Corporation. In this email we pointed out that the concerns stated above should not be very difficult to resolve.

On August 17, 2006, Dr. Miller-Martini sent a reply email (Exhibit F) addressed to our offices and copied to Dr. Earp and Dr. Miller-Martini's legal counsel. Dr. Miller-Martini declined to execute the Declaration of Inventorship, stating that "execution of these documents will only occur 'subsequent' to your client [Geron Corp.] and their joint venture partner [HKUST] having obtained an appropriate license to my rights and interests in these drug molecules/fractions/formulations." A later email (Exhibit G) from Dr. Miller-Martini similarly stated that he would execute the documents if "in so doing I do not forfeit my rights and interests in these inventions".

Dr. Miller-Martini's contention that he retains "rights and interests in these inventions" is consistent with the position taken in his letter to the Chairman of HKUST, dated June 16, 2006 (Exhibit H). In that letter he not only asserted these rights and interests but also suggested that he would disclose claimed subject matter (and other confidential information) to "third party competitors" if no license were negotiated between himself and HKUST.

In view of the above, (1) Dr. Miller-Martini has assigned any rights he had in this application to his former employer, HKUST (see assignment, Exhibit A), in accordance with his legal obligations; and (2) Dr. Miller-Martini's stated conditions for executing the application papers (requiring HKUST to negotiate a license) constitute a refusal to execute the application papers.

Additionally, on January 22, 2007 a letter, along with a Declaration of Inventorship, the original Application as filed, and a copy of a Preliminary Amendment as filed on 12/23/2005 was mailed via Certified Mail, Return Receipt Requested, to David M. Miller-Martini at his last known address of 409 Pine Street, Ridgway PA 15853 with a copy of the letter and enclosures sent to his last known attorney, Gwendolyn R. Wood, Ph.D. at The Webb Law Firm, 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219. Enclosed is a copy of the RETURN RECEIPT as signed by D. Miller-Martini on 01/27/2007. No signed RETURN RECEIPT was ever received from G. Wood.

Conclusion

The applicants submit that this petition complies with the requirements of 37 CFR §1.47(a) and MPEP §409.03(d), and gives documented evidence that the application papers were duly presented to the inventor, and that the inventor refused to sign the application papers.

Additionally, enclosed are four individually signed Declarations executed by each of the cooperating inventors which includes an unsigned signature block for the non-signing inventor.

The inventors were thus presented with a copy of the complete application papers, in accordance with MPEP §409.03(d), in addition to receiving the documents to be signed.

Applicants submit that this petition complies with the requirements of 37 C.F.R. §1.47(a) and MPEP §409.03(d), and gives documented evidence that the missing inventor refused to join in the application after a diligent effort was made to obtain his signature on the application papers.

Fee Payment

Enclosed is a check in the amount of \$450.00 which covers the two-month time extension fee due.

No additional fees are believed due, however, the Commissioner is authorized to charge any fees deemed due for timely consideration of this communication to Deposit Account No. 50-2207.

Date: 3-12-07

Respectfully submitted,



Peter J. Dehlinger
Registration No. 28,006

Correspondence Address:

Customer No. 22918

Phone: (650) 838-4401

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PERKINS COIE LLP
Attn: Lynn Kennelly
101 Jefferson Drive
Menlo Park, CA 94025-

14



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVID MILLER-MARTINI
409 PINE ST.
RIDGWAY, PA
15853

2. Article Number
(Transfer from service label)

7000 1530 0004 3393 5544

COMPLETE THIS SECTION ON DELIVERY

A. Signature

David M. Miller-Martini ☐ Agent
☐ Addressee

B. Received by (Printed Name)

DAVID M. MILLER-MARTINI 1-27-07

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Peter J. Dehlinger, Ph.D.
Tel: (650) 838-4401
Fax: (650) 838-4350
pdehlinger@perkinscoie.com

Perkins
Coie

101 Jefferson Drive
Menlo Park, CA 94025-1114
PHONE: 650.838.4300
FAX: 650.838.4350
www.perkinscoie.com

January 22, 2007
via certified mail – return receipt requested

David M. Miller-Martini, Ph.D., MBA
409 Pine Street
Ridgway, PA 15853

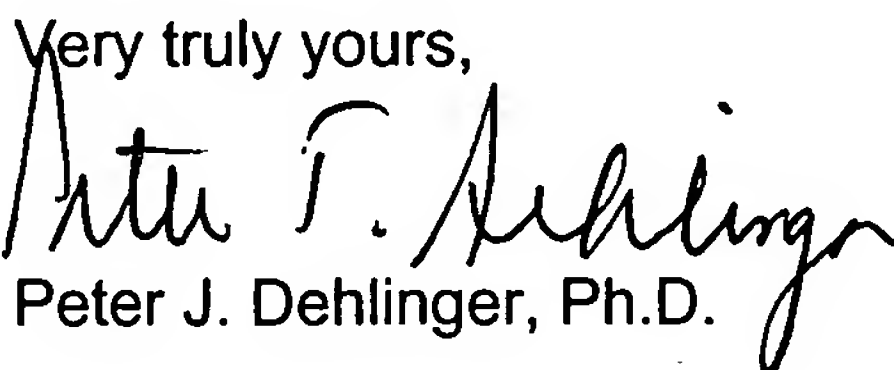
Re: U.S. National Phase Application No. 10/562,410 filed on 12/23,2005 based on
PCT Patent Application No. PCT/US04/20338 filed on 06/24/2004
for **COMPOSITIONS AND METHODS FOR SKIN CONDITIONING**
Geron Corporation Reference No.: 511/002 PCT
Our Reference: 38797-8007.US00

Dear Mr. Miller-Martini:

To complete the requirements of the U.S. Patent and Trademark Office it is necessary for us to submit a Declaration of Inventorship executed by each of the inventors in the above-referenced application. Accordingly, please find enclosed a Declaration of Inventorship for your signature and return. The signature need not be notarized or witnessed, but please date the document. I have also enclosed a copy of the Application as filed with the U.S. Patent and Trademark Office on June 24, 2004 and a copy of a Preliminary Amendment as filed on December 23, 2005.

Please sign and date the enclosed declaration after reviewing the above-referenced documents and return it to our offices at your earliest convenience

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Peter J. Dehlinger, Ph.D.

PJD/lbk
Encs.

cc: Gwendolyn R. Wood, Ph.D.
The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburg, PA 15219

D. Earp (via email w/encls.)
C. Franke (via email w/encls.)

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38797-8007.US00/LEGAL12976258.1

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES
MENLO PARK · OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates



COMBINED DECLARATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)	ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>			
<p>As a below named inventor, I hereby declare that:</p> <p>My residence, post office address and citizenship are as stated below next to my name,</p> <p>I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p style="text-align: center;">COMPOSITIONS AND METHODS FOR SKIN CONDITIONING</p> <p>the specification of which (check only one item below):</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed as United States application Serial No. <u>10/562,410</u> on <u>December 23, 2005</u>,</p> <p><input type="checkbox"/> was filed as PCT international application Number <u> </u> on <u> </u>.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a).</p> <p>I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America listed below and have also identified below, by checking the box, any foreign application(s) for patent or inventor's certificate, or of any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed.</p>				
PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:				
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC §119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application(s) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.				
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:				
U.S. APPLICATIONS			STATUS (Check one)	
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/482,630	25 June 2003			X
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. Serial Nos. Assigned (if any)		
PCT/US04/20338	24 June 2004		X	
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: All attorneys associated with Customer No. 22918; all affiliated with Perkins Coie LLP.				

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NO. 38797-8007.US00
Send Correspondence to: Perkins Coie LLP P.O. Box 2168 Menlo Park, CA 94026 Customer No. 22918			Direct Telephone Calls to: LeeAnn Gorthey (503) 727-2116

FULL NAME OF INVENTOR 201	FAMILY NAME HARLEY	FIRST GIVEN NAME Calvin	SECOND GIVEN NAME B.
RESIDENCE & CITIZENSHIP	CITY Murphys	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP CA
POST OFFICE ADDRESS	POST OFFICE ADDRESS 1177 Sandalwood Drive	CITY Murphys	STATE & ZIP CODE/COUNTRY CA 95247
FULL NAME OF INVENTOR 202	FAMILY NAME CHIN	FIRST GIVEN NAME Allison	SECOND GIVEN NAME C.
RESIDENCE & CITIZENSHIP	CITY Stanford	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 1060 Campus Drive East	CITY Stanford	STATE & ZIP CODE/COUNTRY CA 94305
FULL NAME OF INVENTOR 203	FAMILY NAME AKAMA	FIRST GIVEN NAME Tsutomu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Sunnyvale	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP JP
POST OFFICE ADDRESS	POST OFFICE ADDRESS 832 Azure Street	CITY Sunnyvale	STATE & ZIP CODE/COUNTRY CA 94087
FULL NAME OF INVENTOR 204	FAMILY NAME IP	FIRST GIVEN NAME Nancy Yuk-yu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Kowloon	STATE OR FOREIGN COUNTRY Hong Kong	COUNTRY OF CITIZENSHIP HK
POST OFFICE ADDRESS	POST OFFICE ADDRESS Repulse Bay Towers #7A 119A Repulse Bay Road	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK
FULL NAME OF INVENTOR 205	FAMILY NAME WONG	FIRST GIVEN NAME Yung-hou	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Kowloon	STATE OR FOREIGN COUNTRY Hong Kong	COUNTRY OF CITIZENSHIP HK
POST OFFICE ADDRESS	POST OFFICE ADDRESS Tower 6, Flat 7B	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK
FULL NAME OF INVENTOR 206	FAMILY NAME MILLER-MARTINI	FIRST GIVEN NAME David	SECOND GIVEN NAME M.
RESIDENCE & CITIZENSHIP	CITY Ridgway	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 409 Pine Street	CITY Ridgway	STATE & ZIP CODE/COUNTRY PA 15853

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)		ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>
SIGNATURE OF INVENTOR 201		
<u>2006.07.10</u>	<u>Calvin B. King</u>	
Date	Signature	
SIGNATURE OF INVENTOR 202		
Date	Signature	
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SIGNATURE OF INVENTOR 206		
Date	Signature	



COMBINED DECLARATION AND POWER OF ATTORNEY
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NO.

38797-8007.US00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITIONS AND METHODS FOR SKIN CONDITIONING

the specification of which (check only one item below):

☐

is attached hereto.

☒

was filed as United States application Serial No. 10/562,410 on December 23, 2005,

☐

was filed as PCT international application Number * on *.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America listed below and have also identified below, by checking the box, any foreign application(s) for patent or inventor's certificate, or of any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed.

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			<input type="checkbox"/> YES	<input type="checkbox"/> NO

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PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/482,630	25 June 2003			X
PCT APPLICATIONS DESIGNATING THE U.S.				
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POST OFFICE ADDRESS	POST OFFICE ADDRESS 832 Azure Street	CITY Sunnyvale	STATE & ZIP CODE/COUNTRY CA 94087

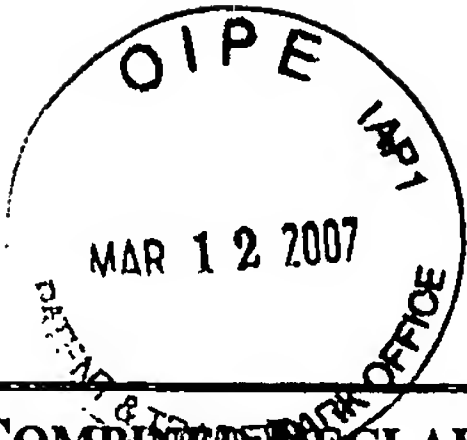
FULL NAME OF INVENTOR 204	FAMILY NAME IP	FIRST GIVEN NAME Nancy Yuk-yu	SECOND GIVEN NAME
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POST OFFICE ADDRESS	POST OFFICE ADDRESS Tower 6, Flat 7B	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK

FULL NAME OF INVENTOR 206	FAMILY NAME MILLER-MARTINI	FIRST GIVEN NAME David	SECOND GIVEN NAME M.
RESIDENCE & CITIZENSHIP	CITY Ridgway	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 409 Pine Street	CITY Ridgway	STATE & ZIP CODE/COUNTRY PA 15853

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.			
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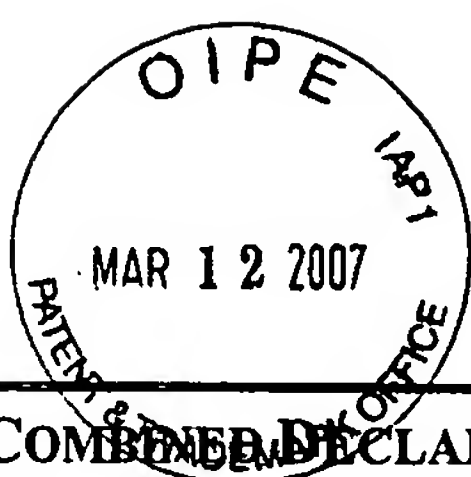
COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)		ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>
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COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC §119	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application(s) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.				
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:				
U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/482,630	25 June 2003			X
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. Serial Nos. Assigned (if any)		
PCT/US04/20338	24 June 2004		X	
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: All attorneys associated with Customer No. 22918; all affiliated with Perkins Coie LLP.				

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NO. 38797-8007.US00
Send Correspondence to: Perkins Coie LLP P.O. Box 2168 Menlo Park, CA 94026 Customer No. 22918			Direct Telephone Calls to: LeeAnn Gorthey (503) 727-2116
FULL NAME OF INVENTOR 201	FAMILY NAME HARLEY	FIRST GIVEN NAME Calvin	SECOND GIVEN NAME B.
RESIDENCE & CITIZENSHIP	CITY Murphys	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP CA
POST OFFICE ADDRESS	POST OFFICE ADDRESS 1177 Sandalwood Drive	CITY Murphys	STATE & ZIP CODE/COUNTRY CA 95247
FULL NAME OF INVENTOR 202	FAMILY NAME CHIN	FIRST GIVEN NAME Allison	SECOND GIVEN NAME C.
RESIDENCE & CITIZENSHIP	CITY Stanford	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 1060 Campus Drive East	CITY Stanford	STATE & ZIP CODE/COUNTRY CA 94305
FULL NAME OF INVENTOR 203	FAMILY NAME AKAMA	FIRST GIVEN NAME Tsutomu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Sunnyvale	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP JP
POST OFFICE ADDRESS	POST OFFICE ADDRESS 832 Azure Street	CITY Sunnyvale	STATE & ZIP CODE/COUNTRY CA 94087
FULL NAME OF INVENTOR 204	FAMILY NAME IP	FIRST GIVEN NAME Nancy Yuk-yu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Kowloon	STATE OR FOREIGN COUNTRY Hong Kong	COUNTRY OF CITIZENSHIP HK
POST OFFICE ADDRESS	POST OFFICE ADDRESS Repulse Bay Towers #7A 119A Repulse Bay Road	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK
FULL NAME OF INVENTOR 205	FAMILY NAME WONG	FIRST GIVEN NAME Yung-hou	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Kowloon	STATE OR FOREIGN COUNTRY Hong Kong	COUNTRY OF CITIZENSHIP HK
POST OFFICE ADDRESS	POST OFFICE ADDRESS Tower 6, Flat 7B	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK
FULL NAME OF INVENTOR 206	FAMILY NAME MILLER-MARTINI	FIRST GIVEN NAME David	SECOND GIVEN NAME M.
RESIDENCE & CITIZENSHIP	CITY Ridgway	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 409 Pine Street	CITY Ridgway	STATE & ZIP CODE/COUNTRY PA 15853
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.			

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)		ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>	
SIGNATURE OF INVENTOR 201			
_____		_____	
Date		Signature	
SIGNATURE OF INVENTOR 202			
_____		_____	
Date		Signature	
SIGNATURE OF INVENTOR 203			
6/15/2006		Z. Alam	
Date		Signature	
SIGNATURE OF INVENTOR 204			
_____		_____	
Date		Signature	
SIGNATURE OF INVENTOR 205			
_____		_____	
Date		Signature	
SIGNATURE OF INVENTOR 206			
_____		_____	
Date		Signature	



COMBINED DECLARATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>		
<p>As a below named inventor, I hereby declare that:</p> <p>My residence, post office address and citizenship are as stated below next to my name,</p> <p>I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p style="text-align: center;">COMPOSITIONS AND METHODS FOR SKIN CONDITIONING</p> <p>the specification of which (check only one item below):</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed as United States application Serial No. <u>10/562,410</u> on <u>December 23, 2005</u>,</p> <p><input type="checkbox"/> was filed as PCT international application Number <u> </u> on <u> </u>.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a).</p> <p>I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America listed below and have also identified below, by checking the box, any foreign application(s) for patent or inventor's certificate, or of any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed.</p>					
PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:					
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC §119		
			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<p>I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application(s) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.</p>					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:					
U.S. APPLICATIONS			STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
60/482,630	25 June 2003			X	
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. Serial Nos. Assigned (if any)			
PCT/US04/20338	24 June 2004			X	
<p>POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: All attorneys associated with Customer No. 22918; all affiliated with Perkins Coie LLP.</p>					

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NO. 38797-8007.US00	
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FULL NAME OF INVENTOR 201	FAMILY NAME HARLEY	FIRST GIVEN NAME Calvin	SECOND GIVEN NAME B.	
RESIDENCE & CITIZENSHIP	CITY Murphys	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP CA	
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FULL NAME OF INVENTOR 202	FAMILY NAME CHIN	FIRST GIVEN NAME Allison	SECOND GIVEN NAME C.	
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FULL NAME OF INVENTOR 203	FAMILY NAME AKAMA	FIRST GIVEN NAME Tsutomu	SECOND GIVEN NAME	
RESIDENCE & CITIZENSHIP	CITY Sunnyvale	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP JP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS 832 Azure Street	CITY Sunnyvale	STATE & ZIP CODE/COUNTRY CA 94087	
FULL NAME OF INVENTOR 204	FAMILY NAME IP	FIRST GIVEN NAME Nancy Yuk-yu	SECOND GIVEN NAME	
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FULL NAME OF INVENTOR 205	FAMILY NAME WONG	FIRST GIVEN NAME Yung-hou	SECOND GIVEN NAME	
RESIDENCE & CITIZENSHIP	CITY Kowloon	STATE OR FOREIGN COUNTRY Hong Kong	COUNTRY OF CITIZENSHIP HK	
POST OFFICE ADDRESS	POST OFFICE ADDRESS Tower 6, Flat 7B	CITY Kowloon	STATE & ZIP CODE/COUNTRY HK	
FULL NAME OF INVENTOR 206	FAMILY NAME MILLER-MARTINI	FIRST GIVEN NAME David	SECOND GIVEN NAME M.	
RESIDENCE & CITIZENSHIP	CITY Ridgway	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP US	
POST OFFICE ADDRESS	POST OFFICE ADDRESS 409 Pine Street	CITY Ridgway	STATE & ZIP CODE/COUNTRY PA 15853	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.				

COMBINED DECLARATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to PCT International Applications)		ATTORNEY'S DOCKET NO. <u>38797-8007.US00</u>
SIGNATURE OF INVENTOR 201		
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Date	Signature	
SIGNATURE OF INVENTOR 204		
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Date	Signature	
August 22, 2006	Nancy Jp	
Date	Signature	
SIGNATURE OF INVENTOR 205		
<hr/>		
Date	Signature	
August 22, 2006	g h m W	
Date	Signature	
SIGNATURE OF INVENTOR 206		
<hr/>		
Date	Signature	

ASSIGNMENT

Whereas we, Nancy Yuk-yu Ip, Yung-hou Wong, David M. Miller-Martini

executed employment agreements with Hong Kong University of Science and Technology (hereinafter called HKUST), a tertiary educational Institution having its principal place of business at Clear Water Bay, Kowloon, Hong Kong, whereby we have agreed to assign to HKUST all inventions (except as otherwise limited by law) which relate to HKUST business and which were first conceived or actually reduced to practice during our employment by HKUST;

Now, therefor, pursuant to the terms of said employment agreements and for good and valuable consideration, receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto HKUST, its successors and assigns, the entire right, title and interest, including the right of priority in, to and under an application for Letters Patent of the United States entitled:

COMPOSITIONS AND METHODS FOR SKIN CONDITIONING

Serial No. 60/482,630 filed on 25 June 2003 and the inventions set forth and described therein, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor;

And for the above consideration, we agree promptly upon request of HKUST, its successors or assigns, to execute and deliver without further compensation any power of attorney, assignment, application, whether original, continuation, divisional or reissue, or other papers which may be necessary or desirable fully to secure to HKUST, its successors and assigns, the inventions described in said application and all patent rights therein, in the United States and in any country foreign thereto, and to cooperate and assist in the prosecution of interference proceedings involving said inventions and in the adjudication or reexamination of said Letters Patent provided the expenses which may be incurred by me in lending such cooperation and assistance are paid by HKUST.

In witness whereof, we hereunto set our hands and seal:

Inventor's
Signature:

Nancy Ip
Nancy Yuk-yu Ip

Date:

Oct 9, 2003

Inventor's
Signature:

Yung-hou Wong
Yung-hou Wong

Date:

Oct 9, 2003

Inventor's
Signature:

David M. Miller-Martini
David M. Miller-Martini

Date:

Oct 9, 2003

LeeAnn Gorthey, Ph.D.
(650) 838-4403
gortl@perkinscoie.com



Exhibit B

Perkins
Coie

101 Jefferson Drive
Menlo Park, CA 94025-1114
PHONE: 650.838.4300
FAX: 650.838.4350
www.perkinscoie.com

June 9, 2006
via email

David Earp
Geron Corporation
230 Constitution Drive
Menlo Park, CA 94025

Re: U.S. National Phase Application No. 10/562,410
for COMPOSITIONS AND METHODS FOR SKIN CONDITIONING
Our Reference: 38797-8007.US00

Dear David:

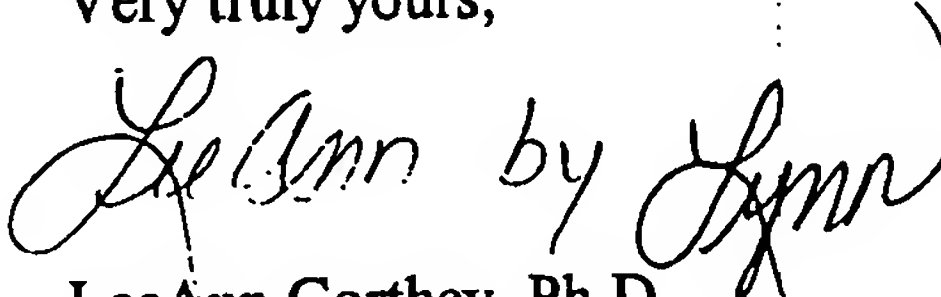
Enclosed for your information and records is a copy of a Notification of Missing Requirements which we received from the U.S. Patent and Trademark Office in the above-identified patent application. Also enclosed are a Declaration and Assignment document to be executed by the inventors, Calvin B. Harley, Allison C. Chin, Tsutomu Akama, Nancy Yuk-Yu Ip, Yung-hou Wong and David Miller-Martini.

Please have the inventors sign and date the declaration and assignment where indicated and return them to our offices as soon as possible. Also, please have an authorized representative of Geron Corporation sign and date the Power of Attorney and return it with the other executed documents.

A response to this Notification of Missing Requirements is due by July 8, 2006, however, time extensions are available, if required.

If you have any questions, please do not hesitate to contact us.

Very truly yours,


LeeAnn Gorthey, Ph.D.
Patent Agent

LAG/lbk
Encs.

cc: K. Zielen (via email with enclosures)

BY061530.013

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DENVER • LOS ANGELES
MENLO PARK • OLYMPIA • PHOENIX • PORTLAND • SAN FRANCISCO • SEATTLE • WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

June 15, 2006
By Courier

Exhibit C
GERON IP GROUP

JUN 16 2006

DOCKETED

geron
www.geron.com

Professor Tony R. Eastham
President/Chief Executive Officer
HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY
R AND D CORPORATION LIMITED
Clear Water Bay
Kowloon, Hong Kong

Re:	Application Serial No.	Title	Geron Docket No.	Date Filed
	10/563,533	FORMULATIONS CONTAINING ASTRAGALUS EXTRACTS AND USES THEREOF	500/002	December 23, 2005
	10/562,374	COMPOSITIONS AND METHODS FOR INCREASING TELOMERASE ACTIVITY	510/002	
	10/562,410	COMPOSITIONS AND METHODS FOR SKIN CONDITIONING	511/002	

geron corporation
230 Constitution Drive
Menlo Park, CA 94025
Tel: (650) 473-7700
Fax: (650) 473-7750

Dear Mr. Eastham:

We have received a Notification of Missing Requirements from the U.S. Patent & Trademark Office, which requires the filing of an executed Declaration by the inventors for each of the above-referenced U.S. National Stage patent applications. These applications were addressed in David Earp's letter to you of November 9, 2005.

I have provided you with a copy of each of the PCT applications as published, a copy of any amendments made while in the International Stage, and a copy of the Preliminary Amendment filed as they entered the U.S. National Stage.

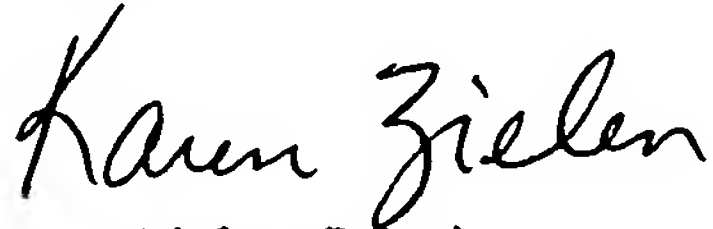
Enclosed for signature by inventors Nancy Yuk-yu Ip, Yung-hou Wong, and David M. Miller-Martini is an Inventor Declaration for each of the above-referenced applications. The inventors should sign and date each document on the appropriate lines after reading a copy of the applications as filed on December 23, 2005. The signatures need not be witnessed or notarized. The inventors should also check all personal data for accuracy. If there are any errors (e.g., spelling of the inventor's name), the inventor should make any necessary corrections AND INITIAL AND DATE THEM.

The due-date for response is **July 10, 2006**. Therefore, please expedite completion and return the Declarations to us before the actual due date.

Professor Tony R. Ham
June 15, 2006
Page 2 of 2

Thank you for helping us comply with these formalities. If you have any questions about this letter or the enclosed documents, please call.

Sincerely,

A handwritten signature in cursive script that reads "Karen Zielen".

Karen Zielen (Mrs.)
Patent Secretary

Enclosures

geron

Gorthey, LeeAnn (Perkins Coie)

Exhibit D

From: Beechbum145@aol.com
Sent: Tuesday, July 11, 2006 9:19 AM
To: Gorthey, LeeAnn (Perkins Coie)
Cc: martinid@alltel.net
Subject: PCT Applications (Geron/HKUST)

Dear Ms. Gorthey,

I attempted to contact you yesterday at the Perkins Coie office in Menlo Park and received your voice mail that you have relocated.

I am relaying a message from Dr. Miller-Martini pertaining to the three PTC applications that he received from HKUST. At this time, Dr. Miller-Martini is out of town and has forwarded these applications to his attorney, Mr. David Pontzer of the Law Offices of Pontzer and Pontzer. He has indicated to his attorney several concerns he has regarding these applications and Mr. Pontzer is preparing a response.

Dr. Miller-Martini has requested that I contact you in the event you have not yet heard from Mr. Pontzer to indicate that the matter is being addressed. He has requested that you directly contact Mr. Pontzer at 814.773.3108 with any questions or pending deadlines.

In general, his three concerns pertain to an incorrect reference to his citizenship, current address, and order of inventors listed in the applications.

Regards,
Kathleen Geubelle, EO

8/30/2006

Gorthey, LeeAnn (Perkins Coie)

Exhibit E

From: Gorthey, LeeAnn (Perkins Coie)
Sent: Monday, August 14, 2006 9:59 AM
To: 'Beechbum145@aol.com'
Cc: martinid@alltel.net; Kennelly, Lynnea (Perkins Coie); 'dearp@geron.com'
Subject: RE: PCT Applications (Geron/HKUST)

Dear Ms. Geubelle,

Further to your email of July 11th, I left a message with Mr. Pontzer last Monday but have not received a reply. I will be going out of town shortly, returning the end of next week. I wanted to see if we could get this cleared up without too much further delay, since it does not sound like the issues are that complicated.

Your email indicated that Dr. Miller-Martini's concerns are "an incorrect reference to his citizenship, current address, and order of inventors listed in the applications". The first two would be no trouble at all to correct as long as we have the correct information. This could be forwarded to my secretary, Lynn Kennelly (lkennelly@perkinscoie.com) with a copy to me. (Alternatively, the inventor can simply make the necessary changes by hand, and date and initial them.)

The order of inventorship is a little less straightforward, since it is sometimes a touchy subject. Please note that the order of inventorship has *no* legal significance. That said, it can still have significance to the inventors. If you could give me some more specific idea of what the issues are here, I would appreciate it. (e.g. Does Dr. Miller-Martini wish to be listed first? If so, does he have a feeling as to whether the other inventors are likely to object to this?)

We're currently on a two month extension for two of the applications (if filed by September 8th) and a three month extension for the third (if filed by September 13th). The fees increase with time, and extensions longer than five months are not permitted. Since we will have to get fresh signatures for all the inventors if the order on the declaration is changed, we would like to get this moving if that is the case.

Thanks very much,

LeeAnn Gorthey

LeeAnn Gorthey, Ph.D.
Patent Agent
Perkins Coie LLP
(503) 727-2116 office
(503) 235-2128 home
(408) 636-3084 cell
Lgorthey@perkinscoie.com

-----Original Message-----

From: Beechbum145@aol.com [mailto:Beechbum145@aol.com]
Sent: Tuesday, July 11, 2006 9:19 AM
To: Gorthey, LeeAnn (Perkins Coie)
Cc: martinid@alltel.net
Subject: PCT Applications (Geron/HKUST)

Dear Ms. Gorthey,

I attempted to contact you yesterday at the Perkins Coie office in Menlo Park and received your voice

8/30/2006

From: David Miller-Martini [martinid@windstream.net]
Sent: Thursday, August 17, 2006 10:11 AM
To: Gorthey, LeeAnn (Perkins Coie)
Cc: Kennelly, Lynnea (Perkins Coie); dearp@geron.com; gwood@webblaw.com
Subject: Re: RE: PCT Applications (Geron/HKUST)

Dear Ms. Gorthey:

In response to your email regarding the issues pertaining to the three PCT applications, please be advised that there are a number of other outstanding issues complicating the execution of these documents.

To hopefully help expedite the execution of the three applications in due course; I would kindly request that your firm readies the applications with the following corrections:

Address correction: 409 Pine St., Ridgway, PA 15853
Citizenship correction: United States of America
Inventorship Correction: First position

Furthermore, execution of these documents will only occur 'subsequent' to your client and their joint venture partner having obtained an appropriate license to my rights and interests in these drug molecules/fractions/formulations.

I will further require evidence to these corrections on the three pending patent applications that have already been submitted to the USPTO for review and that are related to said PTC applications. Given that the provisional patent applications filed in June 2003 have all since been abandoned, I would also like to request copies of the "Combined Declaration and Power of Attorney" and "Assignment" documents (along with copies of the corresponding patent applications), which I executed for the new patent applications that were filed in December 2005.

Additionally, please be advised that I have retained new legal counsel in order to continue efforts to legally establish my ownership claims in the recently submitted patent applications related to "telomerase activators."

I extend my apology for the slow replies, or lack thereof, in responding to your past communications via my previous legal counsel. However, I can assure you that The Webb Law Firm will assist me in a more timely and professional manner in addressing any outstanding issues on the subject.

In this regard please redirect any further correspondence on this matter to:

Gwendolyn R. Wood, Ph.D.
The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

Telephone: 412-471-8815
FAX: 412-471-4094

Kind regards,
David M. Miller-Martini, Ph.D., MBA

+++++

> From: "Gorthey, LeeAnn \ (Perkins Coie\)" <LGorthey@perkinscoie.com>
> Date: 2006/08/14 Mon PM 12:59:09 EDT
> To: <Beechbum145@aol.com>
> CC: <martinid@alltel.net>,
> "Kennelly, Lynnea \ (Perkins Coie\)" <LKennelly@perkinscoie.com>,

From: David Miller-Martini [martinid@windstream.net]
Sent: Monday, August 28, 2006 12:09 PM
To: Gorthey, LeeAnn (Perkins Coie)
Cc: Kennelly, Lynnea (Perkins Coie); dearp@geron.com; pontzerlaw@adelphia.net
Subject: Re: RE: PCT Applications (Geron/HKUST)

Dear Ms. Gorthey:

At this time, please be advised that The Law Offices of Pontzer & Ponzter will resume handling this case on my behalf until further notice. Also the Webb Law Firm as previously indicated has been retained for their Patent expertise.

Further to your email of August 14, 2006, please be informed that I'm currently seeking legal counsel on the matter from several sources and should it be in my best interest to sign the three PCT Application, and in so doing I do not forfeit my rights and interests in these inventions, I will be happy to execute the three applications with the indicated corrections.

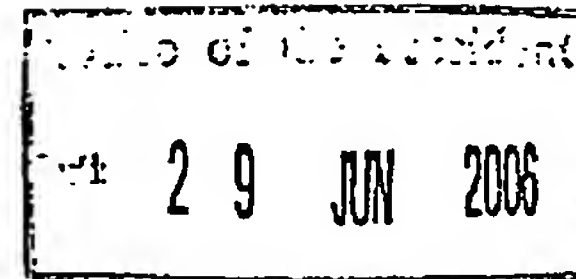
Mr. David Ponzter will be contacting your office in due course in response to your email pertaining to the three PCT applications.

Kind regards, David M. Miller-Martini

> From: "Gorthey, LeeAnn \ (Perkins Coie\)" <LGorthey@perkinscoie.com>
> Date: 2006/08/14 Mon PM 12:59:09 EDT
> To: <Beechbum145@aol.com>
> CC: <martinid@alltel.net>,
> "Kennelly, Lynnea \ (Perkins Coie\)" <LKennelly@perkinscoie.com>,
> <dearp@geron.com>
> Subject: RE: PCT Applications (Geron/HKUST)
>
>
> Dear Ms. Geubelle,
>
>
> Further to your email of July 11th, I left a message with Mr. Pontzer
> last Monday but have not received a reply. I will be going out of town
> shortly, returning the end of next week. I wanted to see if we could
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> Your email indicated that Dr. Miller-Martini's concerns are "an
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> The order of inventorship is a little less straightforward, since it is
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> has *no* legal significance. That said, it can still have significance
> to the inventors. If you could give me some more specific idea of what
> the issues are here, I would appreciate it. (e.g. Does Dr.
> Miller-Martini wish to be listed first? If so, does he have a feeling
> as to whether the other inventors are likely to object to this?)
>

June 16, 2006

Dr. John C. Chan, GBS, JP
Council Chairman
Hong Kong University of Science and Technology
Clearwater Bay Rd.
Kowloon, Hong Kong SAR China



Dear Dr. Chan:

Instead of my solicitor drafting and posting a more impersonal letter, I wanted to extend a professional courtesy to you by drafting this original letter myself. It is my hope that the letter will make clear my position and intentions with respect to my rights and interests in the "telomerase activators", which might be considered a misnomer given that their molecular target(s) are well upstream of telomerase. As you know, these small molecule compounds are currently being developed under a joint venture between the Biotechnology Research Corporation and Geron.

As you should also know, it was primarily through my efforts that the groundwork was laid for initiating the discovery program with Geron that focused on the screening of 50 TCMs for materials possessing biological activities that were capable of increasing telomerase activity in cultured keratinocytes. Moreover, I also played a key role in selecting and screening the materials, as well as identifying the active metabolite in *Astragalus membranaceus* (namely, astragaloside IV; formerly known as GRN-951) that possesses significant telomerase up-regulating potential. An aglycone of this compound (formerly GRN-665) is currently regarded as the lead candidate in the HIV/AIDS program. In this light, I am included as one of the inventors on several patent filings associated with these molecules and active fractions. Additionally, there were a number of other TCMs included in the original 50 herbal medicines that likewise possessed biological activities that resulted in the up-regulation of telomerase. I also screened several other semi-pure fractions and single entity compounds (the identities of which I will not disclose at this time) that were not included in the original group of 50 TCMs since they were known to simulate the ERK signaling pathway, and they too resulted in the substantial up-regulation of telomerase activity. With respect to the collection of "telomerase activator" materials as a whole, please note that I currently maintain certain rights and interests in their commercial development.

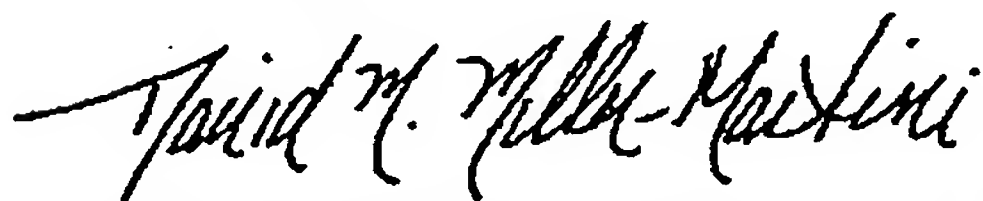
Although I had engaged in various conversations with a number of the Senior Administrators at HKUST regarding the transfer of my rights and interests to these materials under specified terms and conditions, they never came to fruition. Furthermore, I have not signed any agreements or contracts to the contrary. Review of my personnel file from November 1997 through June 2005, will show a series of employment contracts which designated my employment status as a "non-regular appointment." Further review of the terms and conditions of my employment will show that I was not then, or now,

being held to any terms or conditions of confidentiality, non-compete, or publication restrictions, nor is there any stipulation in these contracts regarding assignment of any IPR that I may be associated with to the University.

At this juncture, I wish to provide the University with the first right of refusal to my rights and interests in said IP. I will provide you 45 days from the date of this letter to indicate your interest in negotiating a license. Thereafter, I will make full disclosure of these materials in efforts to negotiate several non-executive licenses with a number of third party competitors interested in commercializing various aspects of these small molecules and crude/semi-crude fractions.

Please direct all correspondence pertaining to this matter to Mr. David Pontzer, Esq. at the Law Offices of Pontzer & Pontzer. His contact information is as follows: 220 Center Street, Ridgway, PA 15853; telephone 814-773-3108.

Sincerely,



David M. Miller-Martini, Ph.D, MBA

DMM-M/rgm

c.c. Mr. David Pontzer, Esq., The Law Offices of Pontzer & Pontzer
~~Professor Paul Ching-Wai Chan, President, HKUST~~
The Honourable Ronald Arculli, GBS, JP, Chairman, Board of Stewards, HKJC
Dr. Thomas Okarma, CEO and Director, Geron
Mr. Noel Patton, President, Asia Biotechnology Corporation